

REMARKS

5 Claims 1-61 are currently pending. Claims 1, 2, 5, 7, 13, 14, 20, 21, 26, 28, 29, 31-37, 40, 42, 43, 45-48, 50-53, 60, and 61 have been rewritten. No claims have been added or cancelled.

10 Applicants have included a credit card payment form for \$375.00, the small entity fee for a request for continued examination. Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Ian F. Burns & Associates, P.C. Deposit Account No. 50-0913.

INTERVIEW SUMMARY

15 The Applicants sincerely thank Examiner White for the interview held on June 10, 2003. Applicants are very grateful for the opportunity to discuss their invention with the Office and for the Office's helpful discussion of the outstanding rejections.

 During the interview, Applicants presented their arguments for patentability over the cited references, including Thompson.

20 While no agreement was reached, the Examiner did indicate the proposed amendments may overcome the rejections based on, or including, Thompson. Applicants have made these amendments to more explicitly describe their invention in the claims and not for reasons related to patentability. Applicants believe the claims are in condition for allowance.

REJECTIONS UNDER 35 U.S.C. §102

The Office rejected claims 1, 5, 7, 13, 20, 26, 28, 31, 35, 39, 46, and 50 under 35 U.S.C. §102 as being anticipated by Thompson (EP 0050419 A1, hereinafter “Thompson”). Based on the Office’s comments in the final Office Action, Applicants believe that a relatively simple rewording of the claims to better express Applicants’ invention may obviate the Office’s rejection. In particular, Applicants note that the Office appeared to indicate that the phrase “an outcome based on two possible symbols” distinguishes Applicants’ invention from Thompson, which the Office alleges discloses a “binary symbol outcome.” While the Applicants do not believe that Thompson teaches a binary symbol outcome, they have modified the claims as helpfully suggested by the Office in order to more clearly point out one difference between their invention and Thompson and advance the case towards allowance.

In at least one embodiment, Applicants teach a game where winning and losing events are determined by which of two possible symbols is displayed. For example, if the two possible symbols are “heads” or “tails” of a coin, “heads” might be defined as a winning symbol and entitle a player to a prize. Applicants have amended all of the independent claims to better express this feature.

Because winning events in Thompson appear to be defined by more than two possible symbols, Applicants assert that their invention is patentable over Thompson. Because Thompson does not teach all elements of Applicants’ claims, Applicants’ respectfully request the Office to withdraw the §102 rejection of claims 1, 5, 7, 13, 20, 26, 28, 31, 35, 39, 46, and 50.

35 U.S.C. §103

The Office rejected claims 2-4, 6, 8-12, 14-19, 21-25, 29, 30, 32-34, 36-38, 40-45, 47-49, and 50-61 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of one or both

of U.S. Patent 5,154,420 to Gutknecht (hereinafter, "Gutknecht"), and U.S. Patent 5,848,932 to Adams (hereinafter, "Adams"). It appears that the Office was relying on Thompson as disclosing a binary symbol outcome. In view of the previous discussion of Thompson, Applicants' invention, and the present amendments, Applicants respectfully assert that any combination of Thompson, Gutknecht, and Adams does not teach all elements of Applicants' claims. Therefore, Applicants respectfully request the withdrawal of the §103(a) rejection of claims 2-4, 6, 8-12, 14-19, 21-25, 29, 30, 32-34, 36-38, 40-45, 47-49, and 50-61.

CONCLUSION

For all of the above reasons, the applicants submit that the present application is in condition for allowance. Applicants have not amended the claims to overcome patentability rejections. Applicants amended the claims to correct rejections based on ambiguity problems. If the Examiner has any questions regarding the application or this response, the Examiner is encouraged to call Applicants' attorney, Ryan A. Heck, at (775) 826-6160.

Respectfully Submitted

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June 12, 2003